

**OPINION
48-112**

August 16, 1948 (OPINION)

LICENSES

RE: Automobile Dealer

Re: Section 39-0459 of the 1947 Supplement to 1943 Revised Code

Your letter of August 13 re the above has been received and referred to my desk.

We agree with your interpretation of this section. We believe that a dealer in automobiles must have a license for each location from which he does business. Certainly, he cannot have a license to do business in Grand Forks and do business under this license in Williston. He must have the same facilities for the repair, etc. of motor vehicles at every location from which he does business. Probably if he has a dealer's license, say in Williston and was crowded for room, he might have another place in the city where he displayed cars without having to have a separate license for such location, but certainly a person dealing with him in one city is not excepted to have to go to some distant city to get repairs and replacements.

You state that you have a dealer operating on leased premises in Williston who claims to be associated with a licensed dealer in Grand Forks and who claims the privilege of doing business under the Grand Forks licensee. If this arrangement is merely for the purpose of disposing of excess stock of the Grand Forks dealer and is not intended as a permanent business, the Williston dealer would, in our opinion, be a transient merchant. If he contends that he is not a transient merchant and intends to be a permanent merchant, the statute provides that he may give a bond and be entitled to operate.

P.O. SATHRE

Attorney General